

To: Keas, Ashley[keas.ashley@epa.gov]
From: Beaver, Melinda
Sent: Thur 10/19/2017 4:31:08 PM
Subject: FW: News Clips - May 3, 2017

From: Johnson, Yvonne W
Sent: Wednesday, May 03, 2017 1:17 PM
To: OAQPS AQPD <OAQPS_AQPD@epa.gov>
Subject: News Clips - May 3, 2017

I receive daily news clips that pertain to EPA which I normally find very informative. I am not sure who all is on the original email list which goes out daily but I am willing to create an AQPD News Clips email listing of folks interested in receiving. Just stop by or email me (*please do not respond to ALL in this message*) if interested.

NOTE: If you don't do anything else, please read the very last entry under...**and in happier news!**

Thank you,

Yvonne W. Johnson

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News Clips – May 3, 2017

Air Quality News

- [Wyoming, power producers seek halt of regional haze litigation](#) (*Greenwire*)
- [DTE Energy Loses Latest Challenge on EPA Air Permitting](#) (*BNA*)
- [EPA labels Utah air-quality problems 'serious'](#) (*Salt Lake Tribune*)
- [EPA classifies Fairbanks smoke pollution as 'serious'](#) (*AP*)

Climate Change

- [EPA Officials Defend Agency's Duty To Follow Science On Climate Change](#) (*Inside EPA*)
- [Think tank petitions EPA against endangerment finding](#) (*E&E News*)
- [Trump's lawyer raises concerns about remaining in Paris climate accord, sources say](#) (*POLITICO*)
- [In the Trump White House, the momentum has turned against the Paris climate agreement](#) (*Washington Post*)
- [UN Climate Talks Leader to Trump: Don't 'Abandon the Field of Play'](#) (*BNA*)
- [McCarthy slams Trump's 'unprecedented' webpage overhaul](#) (*Greenwire*)

Regulatory Reform

- [EPA asks what rules to cut, gets earful about dirty water](#) (*AP*)
- [Jeers, cheers as EPA hosts webinar on rule rollbacks](#) (*E&E News*)

- [EPA Gets Earful at Listening Session on Toxics Rule Changes](#) *(BNA)*

Appropriations

- [FY17 Spending Deal Warns EPA Against Overhaul Without Congress' Input](#) *(Inside EPA)*

On the Hill

- [Senate Dems press Pruitt over alleged conflict on ozone](#) *(E&E News)*

Other News

- [Industry Seeks To Block, Alter EPA's IRIS Formaldehyde Risk Analysis](#) *(Inside EPA)*

...And in Happier News

- [Football player who befriended boy eating alone at school is headed to NFL](#) *(Today)*

On this day in 1802 Washington, D.C. is incorporated as a city

Wyo., power producers seek halt of regional haze litigation

Greenwire

By: Sean Reilly

Published: May 2, 2017

The state of Wyoming and two power producers are seeking to freeze proceedings in litigation over regional haze regulations following the Trump administration's recent endorsement of a partial settlement reached late last year.

That tentative deal would require Basin Electric Power Cooperative to install new pollution controls at Laramie River Station, a 1,710-megawatt coal-fired plant in southeastern Wyoming (*Greenwire*, Jan. 5). After the administration signaled last week that it would stick with the agreement, Basin Electric, Wyoming and PacifiCorp yesterday asked the 10th U.S. Circuit Court of Appeals to put the consolidated litigation in abeyance pending final action by U.S. EPA.

While the proposed settlement directly affects only the Laramie River plant, those issues "are significantly intertwined with, and overlap, similar issues concerning PacifiCorp's facilities," attorneys wrote in the [motion](#). A pause is needed, they wrote, "because of the interrelatedness of the issues in these consolidated appeals and because of the inefficiencies and harms that may result from resolving a portion of the appeals while the settlement of other, closely-related portions remain pending."

The agency's regional haze program, dating in its current form to 1999, seeks to restore unclouded views to 156 national parks and wilderness areas by 2064. The Wyoming litigation, dating back to 2014, is one in a string of legal fights over the scope of the pollution reduction measures needed to meet the program's requirements.

Oregon-based PacifiCorp, for example, contends that EPA illegally overrode the state's judgment of the controls needed to cut emissions of nitrogen oxides at its 335 MW Wyodak plant in northeast Wyoming. The Powder River Basin Resource Council and other conservation groups say EPA should have imposed new restrictions on the state's oil and gas industry.

Those groups also object to the proposed settlement affecting Laramie River Station, saying in [comments](#) filed early this year that they are concerned it "will not achieve the level of visibility improvement" required by the haze reduction program. They also voiced worries about further delays in resolving the rest of the litigation. Their response to the abeyance request is due by May 11, according to a court order, also filed yesterday.

Basin Electric, based in North Dakota, shares ownership of Laramie River Station with five regional partners under the umbrella of the Missouri Basin Power Project.

[↑ Top of Page](#)

DTE Energy Loses Latest Challenge on EPA Air Permitting

Bloomberg BNA

By: Andrew Childers

Published: May 3, 2017

DTE Energy Co. lost yet another bid to challenge the EPA's determination that the utility needed to obtain a permit when it upgraded a coal-fired power plant in Michigan.

The U.S. Court of Appeals for the Sixth Circuit has twice ruled in favor of the Environmental Protection Agency, finding that DTE Energy's \$65 million upgrade to its Monroe Power Plant triggered New Source Review permitting provisions. That program requires new and modified industrial facilities to obtain a permit including emissions limits and operating requirements in order to protect air quality, a process that often requires the installation of pollution controls.

The company unsuccessfully argued that the full Sixth Circuit should rehear the case because the underlying panel decisions in favor of the EPA left regulated industries uncertain of the permitting program's rules. The court, in a short order issued May 1, denied that request (United States v. DTE Energy Co., 6th Cir. en banc, No. 14-2274, 5/1/17).

An attorney for the DTE Energy could not be reached for comment.

[↑ Top of Page](#)

EPA labels Utah air-quality problems

‘serious’

The Salt Lake Tribune

By: Emma Penrod

Published: May 2, 2017

State officials are mulling new pollution-control measures after the U.S. Environmental Protection Agency has found Utah out of compliance with air-quality standards.

On Friday, the EPA classified the Provo and Salt Lake City metro areas, including Davis and Weber counties and parts of Box Elder and Tooele, as "serious" nonattainment areas.

The "serious" designation, raised from "moderate," confirms that Utah did not meet a 2015 deadline for complying with federal air-quality rules for small particulate pollution, or PM2.5.

Both the Salt Lake City and Provo areas have struggled to meet the standard since it was changed in 2006.

Air-quality advocate Matt Pacenza, executive director of HEAL Utah, welcomed the EPA's decision.

"For nearly 10 years, Utah's air has failed federal health standards," he said. "Now's our chance to look under every rock for measures to reduce pollution from our cars, homes, buildings and businesses in order to protect the health of our families for years to come."

State regulators and clean-air advocates have vetted added pollution controls, including a wood stove exchange program; emissions rules related to yard care equipment; and more restrictions on heavy duty commercial trucks, railroads and even airports.

But Bryce Bird, director of the Utah Division of Air Quality (DAQ), said if Utah does not experience another episode of bad air this year, the Wasatch Front may reach EPA's standard by year's end.

That would not reverse the EPA's finding that Utah is in serious nonattainment, but it would meet the new deadline for compliance — the end of 2019.

The way EPA's current PM2.5 rules are written, an area can exceed health-based limits on the small particulate pollutants only for approximately 21 days over the course of three years.

Some regions in Utah are already down to just one day remaining out of compliance for the current three-year period.

"That's why we're developing plans," Bird said, "and still working at strategies."

But the weather remains a key factor, he said.

"If we get a pretty long inversion," Bird said, "it would be difficult for any strategy to demonstrate attainment."

The EPA has not issued a decision on Utah's third PM2.5 nonattainment area in Cache County, which extends into Idaho.

Idaho officials applied for an extension of the 2015 deadline for that region, which has met the standard for PM2.5 for the past two years. Cache Valley needs only to avoid violating the standard for one more year to comply with the federal rule.

Each time a state misses one of the statutory deadlines for meeting pollution standards, the EPA becomes increasingly strict about what the state's air-quality plan must include.

If Salt Lake City and Provo miss the next deadline in 2019, the EPA will essentially require the state to adopt every rule any other state has passed to control PM2.5.

[↑ Top of Page](#)

EPA classifies Fairbanks smoke pollution as 'serious'

Associated Press

Published: May 2, 2017

FAIRBANKS, Alaska (AP) — The U.S. Environmental Protection Agency has reclassified Fairbanks as a "serious" non-attainment area for its failure to meet clean air standards.

The new designation announced Monday means the Fairbanks North Star Borough will have to dramatically reduce its levels of fine particulate pollution by the end of 2019. The borough and the state are expected to come up with a plan for how to best curb pollution this year, The Fairbanks Daily News-Miner reported (<http://bit.ly/2qtDmm0>).

Fine particulate is a mix of solid particles and liquid droplets that can be inhaled deep in the lungs. It can cause premature death in people suffering heart and lung diseases.

The borough's pollution problems are in large part due to woodstoves used by many residents to heat homes in the frigid winter.

"The big challenge is that the need for heat is greatest when burning wood is most likely to be harmful to public health during severe cold air inversions that trap the fine particulates from wood smoke closer to where people are breathing the polluted air," the EPA's Tim Hamlin said in a statement.

Fairbanks was one of three U.S. communities to receive the serious designation for noncompliance with clear air standards on Monday. The other two were Salt Lake City and Provo, Utah.

Borough officials had been notified beforehand about the new classification. They have been working to develop new smoke pollution control measures for several months.

"We knew it was coming," said Jim Williams, chief of staff at the borough. "We've been preparing."

The borough is awaiting a \$2.5 million federal grant to continue a program that allows residents to swap out or fix inefficient, pollution-causing woodstoves, outdoor wood boilers and other devices used to warm homes or businesses.

More than 11,000 wood-burning devices are used in the borough and about 1,260 homes use solid-fuel heating devices as a sole source of heat, according to the EPA.

Hamlin said the EPA will continue to work with the borough and the state "to find solutions that will achieve both clean, healthy air and warm homes."

[↑ Top of Page](#)

EPA Officials Defend Agency's Duty To Follow Science On Climate Change

Inside EPA

By: Stuart Parker

Published: May 2, 2017

Current and former senior EPA officials are defending the agency's prerogative to follow the best available science on climate change from what they say are politically motivated attacks by the Trump administration and other critics of greenhouse gas (GHG) rules, arguing that addressing climate change is one of EPA's fundamental tasks.

At the May 2 annual Health Effects Institute (HEI) conference in Alexandria, VA, senior EPA research staffer Dan Costa -- who said he was speaking in a strictly personal capacity -- and former Obama EPA science policy adviser Thomas Burke both sought to defend the agency's scientific research program, particularly on climate change.

"Climate is integrated into the realities that we are all dealing with," said Costa, stressing that climate change affects all aspects of the agency's work and also impacts policies on conventional pollution. "You don't have to say you are working on climate. Because you will be working on climate," he added.

Costa listed a series of "direct" and "indirect" climate effects that EPA needs to address and for which it should continue research. Direct effects include, for example, sea level rise, while indirect effects could include a wide range of phenomena such as greater production of ozone due to increased temperatures. He added his hope that popular opinion would, hopefully, eventually force a reckoning with climate change.

Similarly, Burke warned that "political drivers are really undermining" EPA's science programs for the future, noting "threats to science" during the transition to the Trump administration.

Reinforcing Costa's point about climate policy, Burke said "climate can't be broken out" from other areas and environmental science, saying that it should have an effect on all of the agency's work.

But EPA late last week removed extensive information on climate policy from its website, reflecting agency Administrator Scott Pruitt's plan to refocus the agency on conventional pollution issues.

Criticizing the climate information removal, John O'Grady, president of the American Federal of Government Employees Council 238 which represents 9,000 EPA employees, said in a statement that, "The book burning has commenced!"

Yet the move is in line with the Trump administration's overall hostility to climate policies, highlighted by White House Office of Management & Budget Director Mick Mulvaney's remarks at a March 16 briefing on the budget where he said, "As to climate change, I think the President was fairly straightforward saying we're not spending money on that anymore. We consider that to be a waste of your money to go out and do that."

Although EPA was largely spared major funding cuts in pending fiscal year 2017 legislation that will fund the government through Sept. 30, it faces significant reductions under Trump's FY18 budget plan. That budget proposal would slash EPA's budget 31 percent from roughly \$8.1 billion to \$5.7 billion, and the bulk of climate change programs are among those designated for zeroed-out funding.

EPA Research

At the HEI conference, Costa said that despite the apparent step back from climate research, EPA continues to face a range of research priorities in conventional air pollution, such as better understanding the health effects of complex mixtures of pollutants, understanding causality of disease at very low concentrations of pollution, and the role of wildland fires in producing up to 40 percent of the nation's particulate matter pollution.

But he also acknowledged that setting ever-lower national pollution limits -- such as ozone and the five other criteria pollutants regulated under the national ambient air quality standards (NAAQS) -- may not be the best way to resolve local air pollution problems, as NAAQS edge closer to levels of background pollution that cannot be regulated. "In the current administration,

we have to think about justifying” existing NAAQS limits, Costa said.

Meanwhile, Burke, now employed by Johns Hopkins University, warned that “the times are really changing,” and a hostility toward regulation may mean a sea-change in EPA's role in the future. We may be “at the end of acceptance” of command-and-control type regulation, he said, and echoed Costa's concern that “national bright line” pollution limits, such as the NAAQS, may in the future “be too close to background.”

EPA may shift toward providing information for others, such as state and local regulators, rather than crafting federal regulation, Burke said. However, many agency rules, including the NAAQS, are required by law, and unless and until Congress reforms or repeals Clean Air Act programs, EPA's statutory obligations remain.

Seeing a silver lining, however, he suggested this may be an opportunity to end the “Balkanization” of EPA science and policymaking, which now separates into different “silos” based on different media such as air, water and waste. Rather, EPA should embrace a cross-cutting “systems” approach, he said. Under this new vision, EPA would not artificially separate effects in air and water, and would address complex pollutant mixtures found in the real world.

In a new paradigm underpinned by the agency's mission to protect public health, EPA should integrate social, cultural, economic and political factors into its research into the effects of pollution on the public, Burke said.

Budget Cuts

EPA staffer John Vandenberg, during a question and answer session, asked Burke which areas of research EPA should drop in the event of a large budget cut. “What should we stop doing?” he said.

“Stopping should be a scientific decision,” Burke said, calling “shocking” Mulvaney's statement on climate change efforts no longer being worth funding.

Jonathan Samet, a veteran air quality researcher now with the University of Southern California, and former chair of EPA's Clean Air Scientific Advisory Committee, warned of "the displacement of evidence by belief" in EPA decisionmaking in remarks to HEI, which is a research organization jointly funded by the auto sector and the agency.

Meanwhile, Francesca Dominici of the Harvard School of Public Health, another prominent air quality expert, warned of the effect that anti-scientific opinions in government are having on students, who are put off going into the field. If the current generation of experts cannot train their replacements, "we are going to be toast," she said.

[↑ Top of Page](#)

Think tank petitions EPA against endangerment finding

E&E News PM

By: Hannah Hess

Published: May 2, 2017

A conservative think tank with close ties to the Trump administration is challenging U.S. EPA to revisit the so-called endangerment finding that lets the agency regulate greenhouse gases under the Clean Air Act.

A [petition](#) filed yesterday focuses on what the Texas Public Policy Foundation calls a "glaring statutory violation."

"In its rush to regulate greenhouse gases in 2009, the Obama Administration missed an important step. It utterly failed to submit the greenhouse gas endangerment finding to the Science Advisory Board for peer review, as required by statute, and that violation is fatal to the endangerment finding," said Ted Hadzi-Antich, senior attorney for TPPF's Center for the American Future.

The Austin-based group is representing a coalition of businesses, along with Liberty Packing Co. LLC, a California-based bulk processor of tomato products that relies on natural gas boilers.

It follows at least two separate petitions since President Trump's inauguration urging the new Republican administration to vacate the finding, which underpins carbon dioxide emissions regulations on vehicles, power plants and other sources (*Greenwire*, April 10).

The TPPF document said the past administration's decision to sidestep the Science Advisory Board "stemmed from a desire to impress the community of nations by being among the first to regulate greenhouse gas emissions timed to coincide with the 2009 Copenhagen international climate conference."

EPA's finding points to scientific evidence about the impacts of climate change on events like heat waves, drought and sea-level rise.

Environmentalists have predicted the chances of overturning the finding are "nil," and Administrator Scott Pruitt has reportedly warned in closed-door White House meetings of massive legal hurdles to doing so.

Clean Air Task Force Legal Director Ann Weeks said critics raised the same objection in a 2009 petition for reconsideration, and the U.S. Court of Appeals for the District of Columbia Circuit rejected it. It recognized EPA had not submitted its finding to the Science Advisory Board but declined to say it should have done so.

The court held that "even if EPA [had] violated its mandate by failing to submit the Endangerment Finding to the SAB, Industry Petitioners have not shown that this error was 'of such central relevance to the rule that there is a substantial likelihood that the rule would have been significantly changed if such errors had not been made.'"

The Supreme Court declined to hear challenges to the endangerment finding. "So it would seem

that any claim on these grounds is not just late but has been decided," Weeks said in an email.

Frank O'Donnell, president of the advocacy group Clean Air Watch, said EPA's finding was anything but a "rush" to regulate. Even the George W. Bush administration's EPA recommended making the determination, he noted, only to be shot down at the last minute for political reasons.

In an email to E&E News, O'Donnell said about TPPF's take: "That's a ludicrous argument advanced by a so-called think tank underwritten by polluters."

The Clean Air Act specifies areas for which the science advisory panel is supposed to provide input, like criteria and toxic pollutants.

The Science Advisory Board's charter says the objective of the advisory board is to provide independent advice and peer review to EPA's administrator on the scientific and technical aspects of environmental issues.

Certain congressional committees can ask the agency's leadership to have the advisory board provide scientific advice on a particular issue.

"EPA can ask for advice on other matters. EPA is not required to run every broad policy issue past the board," O'Donnell said.

Natural Resources Defense Council Clean Air Director John Walke agreed there is no law requirement to seek a Science Advisory Board peer review.

"Desperate arguments to Trump officials in 2017 do not make sour grapes age any more gracefully; they are still bad wine," Walke said this afternoon in an email.

TPPF, which advocates for a pivot toward more state autonomy on environmental oversight, often pushes regulatory challenges.

TPPF's director of the Armstrong Center for Energy and the Environment, Kathleen Hartnett White, who was once rumored to be in the mix for EPA administrator and a contender to head the White House Council on Environmental Quality, has argued that treating CO2 like a pollutant is damaging to the energy sector (*Greenwire*, Nov. 28, 2016). She advised Trump on the campaign trail.

Pruitt, who sought to unravel the finding as Republican attorney general of Oklahoma, has publicly asserted there is no link between CO2 emissions and climate change, rejecting the consensus of climate scientists.

[↑ Top of Page](#)

Trump's lawyer raises concerns about remaining in Paris climate accord, sources say

POLITICO

By: Andrew Restuccia and Eric Wolff

Published: May 2, 2017

President Donald Trump's top White House lawyer is raising concerns about the legal ramifications of the U.S. remaining in the Paris climate change agreement, according to sources familiar with the discussions — a development that could bode ill for the campaign by several top administration advisers to remain in the landmark accord.

White House counsel Don McGahn raised the concerns during a pair of closed-door meetings over the past week, the sources told POLITICO, although they added that he has not yet made a formal recommendation to the president and his stance isn't set in stone. Trump has said he plans

to make a decision in the coming weeks, in what has become a symbolic debate about how far he will push his “America First” agenda despite potential blowback from U.S. allies.

Advocates for withdrawing the U.S. from the pact argue that its terms could somehow interfere with Trump's plans to roll back the Obama administration's domestic climate regulations — even though State Department lawyers strongly argue that's not the case.

Trump's team remains divided over the Paris deal, even after a Thursday meeting of Cabinet secretaries and other advisers and a Monday meeting of administration lawyers. Trump officials could not reach consensus at either meeting, sources said.

The 2015 agreement, which won the backing of 195 nations, achieved a major policy goal of former President Barack Obama by getting countries around the world to make non-binding pledges to rein in their greenhouse gas emissions. Making the agreement legally binding could have required Obama to submit the deal to an extremely unlikely ratification in the Senate.

Chief White House strategist Steve Bannon and EPA Administrator Scott Pruitt support withdrawing, while other advisers, including Ivanka Trump and Secretary of State Rex Tillerson, are said to support remaining.

Opponents of the Paris agreement have made a two-pronged legal case for withdrawing. The first, which Pruitt has raised in recent weeks, argues that staying in the Paris deal creates a legal opening for climate advocates to use the courts to challenge Trump's efforts to undo Obama's climate regulations for power plants. The second suggests that the terms of the Paris agreement don't allow any country to reduce its emissions targets.

McGahn, sources said, raised both of those arguments during the Thursday meeting, and on Monday reiterated the concern that Paris could be cited in court challenges to Trump's efforts to kill Obama's climate rules. McGahn's comments shocked State Department lawyers, who strongly reject both of those contentions, the sources said.

McGahn did not respond to requests for comment. A White House spokesman disputed

POLITICO's characterization of McGahn's comments at the meeting, but did not specify what was inaccurate.

Hard-line conservatives are pressuring Trump to withdraw, noting that he promised to "cancel" the agreement during the campaign.

Pruitt first floated the idea of legal risk to the Obama administration's carbon rule for power plants in April. Several outside groups have published memos in recent weeks pushing back on Pruitt's contention. Daniel Bodansky, an Arizona State University law professor who served as a State Department climate coordinator at the end of the Clinton administration, said that under common legal doctrine, a court would be unlikely to take the Paris deal into account on a challenge to a domestic policy.

Meanwhile, as news of the administration's internal debate about the Paris deal spreads, environmental groups and supporters of the agreement have taken the unusual step of publicly defending the United States' right to weaken its climate target. The Paris agreement was written to be non-binding, they argue. And while its intent was to enable countries to create more stringent carbon reductions, there's nothing in it to prevent backsliding.

The Sierra Club, which might otherwise be expected to challenge U.S. action to lower its commitments under Paris, indicated in a recent internal memo obtained by POLITICO that it likely wouldn't win a court challenge.

"[I]t would be extremely difficult to prevail on the merits" if the group tried to sue the administration to prevent it from weakening its domestic climate change pledge or quickly withdrawing from the deal, the memo says.

In interviews with POLITICO, international diplomats said it was ridiculous to argue that countries can't weaken their domestic climate plans, noting that the deal was specifically written to provide flexibility to countries at the request of the United States. Obama administration officials objected to efforts to insert legally binding language requiring countries to increase their ambition over time, officials familiar with the issue said.

Instead, the text says a country “may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition.” In the parlance of international negotiations, “may” suggests that countries have a choice. “Shall,” on the other hand, suggests a legal obligation.

European officials have had limited direct conversations with the White House over the Paris deal. But they have quietly tried to make the case that the benefits of remaining far outweigh the risks.

The officials, along with U.S. defenders of the Paris deal, worry that the international blowback of withdrawing is not getting enough attention from the White House.

“Legally and economically, the United States would be much more vulnerable outside of Paris than in,” one European official told POLITICO. “Being outside a major multilateral environmental agreement like the Paris agreement leaves a country more vulnerable to trade-related measures from countries that are inside the agreement.”

The official added that there would be a “very, very sharp expression of disappointment” from Europe if the United States pulls out, adding that there would be political and diplomatic fallout that would be felt at the upcoming G-7 and G-20 meetings and for many years to come.

“The U.S will once again be isolated and struggling against the pull of where the rest of the major economies want to move,” the official said.

The administration could end up facing the kind of fierce criticism that President George W. Bush saw when he refused to back the Kyoto Protocol, even though the U.S. signed the agreement in 1998 when Bill Clinton was president.

Trump “will piss off every single country in the world” if he withdraws, said an international official who was closely involved in the negotiation over the text of the Paris deal. “It will haunt the administration in every aspect of its international diplomacy.”

In the Trump White House, the momentum has turned against the Paris climate agreement

The Washington Post

By: Juliet Eilperin

Published: May 2, 2017

Foes of the Paris climate agreement have gained the upper hand in the ongoing White House debate over whether the U.S. should pull out of the historic pact, according to participants in the discussions and those briefed on the deliberations, although President Trump has yet to make a final decision.

Senior administration officials have met twice since Thursday to discuss whether the United States should abandon the U.N. accord struck in December 2015, under which the United States pledged to cut its greenhouse gas emissions 26 percent to 28 percent below 2005 levels by 2025.

The president's aides remain divided over the international and domestic legal implications of remaining party to the agreement, which has provided a critical political opening for those pushing for an exit.

On Thursday several Cabinet members — including Environmental Protection Agency Administrator Scott Pruitt, who's called for exiting the accord, Energy Secretary Rick Perry, who wants it renegotiated, and Secretary of State Rex Tillerson, who advocates remaining a party to it — met with top White House advisers, including Trump's daughter Ivanka Trump and her husband, Jared Kushner, and Chief of Staff Reince Priebus. Both Ivanka Trump and Kushner advocate remaining part of the U.N. Framework Convention on Climate Change, even though the president has repeatedly criticized the global warming deal.

During that meeting, according to several people who spoke on the condition of anonymity to discuss internal deliberations, White House counsel Don McGahn informed participants that the United States could not remain in the agreement and lower the level of carbon cuts it would make by 2025.

The administration is working to unravel many Obama-era policies underpinning that pledge, and the economic consulting firm Rhodium Group has estimated that the elimination of those policies would mean the United States would cut its emissions by 14 percent by 2025 compared with 21 percent if they remained in place.

This interpretation represented a change from the White House counsel's earlier analysis and is at odds with the State Department's view of the agreement.

Susan Biniarz, who served as the State Department's lead climate lawyer from 1989 until earlier this year, said in an interview Tuesday that the agreement reached by nearly 200 nations in Paris allows for countries to alter their commitments in either direction.

"The Paris agreement provides for contributions to be nationally determined and it encourages countries, if they decide to change their targets, to make them more ambitious," Biniarz said. "But it doesn't legally prohibit them from changing them in another direction."

Ivanka Trump urged White House staff secretary Rob Porter to convene a second meeting Monday with lawyers from both the White House and the State Department. That session addressed the question of America's obligations under the 2015 deal as well as whether remaining in the agreement would make it more difficult for the administration to legally defend the changes it was making to the federal government's existing climate policies, but it did not reach a final decision. Pruitt, who is spearheading the effort to rewrite several Obama-era rules aimed at curbing greenhouse gas emissions, has argued that exiting the agreement will make it easier to fend off the numerous legal lawsuits he will face in the months ahead.

At a rally with supporters Saturday, Trump said he would make a "big decision" on Paris within the next two weeks and vowed to end "a broken system of global plunder at American expense."

Administration advisers on both sides of the political spectrum, however, emphasized that the president himself would decide what path to pursue when it came to the climate agreement.

“In the end, President Trump will make the final decision, regardless of where the staff conversations end up,” Thomas J. Pyle, who heads the conservative Institute for Energy Research and led the Trump transition team for the Energy Department, said in an email. “The environmental lobby is going to cause litigation problems on nearly every aspect of President Trump’s energy and environmental agenda whether or not the administration stays in the Paris Agreement. Staying in Paris only gives them another target to shoot at.”

But Paul Bledsoe, who served as a White House climate adviser under Bill Clinton and is now a lecturer at American University’s Center for Environmental Policy, warned that the administration might face serious pushback from abroad if Trump seeks to withdraw from the agreement.

“The Trump team seems oblivious to the fact that climate protection is now viewed by leading allies and nations around the world as a key measure of moral and diplomatic standing,” Bledsoe said in an email. “The U.S. would be risking pariah status on the international stage by withdrawing from Paris, and even a fig leaf approach of technically staying in the agreement while ignoring most of its provisions would be better than pulling out altogether.”

[↑ Top of Page](#)

UN Climate Talks Leader to Trump: Don't 'Abandon the Field of Play'

Bloomberg BNA

By: Murray Griffin

Published: May 3, 2017

The incoming president of the 2017 United Nations climate talks implored U.S. President Donald Trump to keep the world's second-largest greenhouse gas emitter as a participant in the global Paris Agreement to fight climate change.

“The world needs more teamwork on climate change right now than ever before,” Fiji Prime Minister Frank Bainimarama said May 2 at a carbon conference in Melbourne, Australia—his first major speech in his role as incoming president. “We can't have one of our best performers abandon the field of play.”

Bainimarama said he had written to Trump urging him to “continue to take a leadership role as we confront undoubtedly the greatest challenge of our age.”

“We must preserve at all costs the historic agreement that was reached in Paris in 2015,” Bainimarama said. “The Paris Agreement must be implemented in full and the groundwork laid for even more ambitious action. ... That means every nation fulfilling the pledges they made in Paris and demonstrating an unwavering commitment to see this process through.”

Trump's Decision

During his campaign for president, Trump called climate change a hoax and vowed to withdraw the U.S.—which trails only China among the world's greenhouse-gas emitters—from the Paris climate accord. Trump has yet to announce a decision as his administration remains divided over U.S. action.

But even if the U.S. remains in the Paris deal, it's unclear what role the country would play in the coming years. Trump has directed the Environmental Protection Agency to roll back carbon dioxide limits for power plants, the heart of the country's pledge to reduce its emissions by at least 26 percent from 2005 levels by 2025.

Fiji this year holds the presidency of the U.N. climate negotiations, taking the reins from Morocco, which held it in 2016. At the 23rd conference of parties to the U.N. Framework Convention on Climate Change in November in Bonn, Germany, negotiators will continue work

on how nearly 200 signatory nations will implement the Paris Agreement.

Private Sector

But if governments fail to take decisive action, Bainimarama said the role of businesses and citizens becomes even more important.

“When governments fail to lead, the private sector must do so, as is happening already in America,” he said.

“When the call to action goes unheeded, civil society must mobilize ordinary people to turn up the pressure,” he said. “And where politicians deny the magnitude of the challenge that we face, men and women must use their power at the ballot box to replace them.”

Bainimarama called for a “grand coalition of governments, civil society and the private sector to defend and uphold the Paris Agreement.”

‘Frighteningly Real’ Climate Change

The leader of the small Pacific Island nation, which in February 2016 was hit by the most severe tropical cyclone ever to reach its shores, also warned there was “no longer room and certainly no longer time to question the science” of climate change.

The best scientific advice makes it clear that climate change is “frighteningly real,” he said, noting that the many of the world’s coral reefs “may be too far gone to be saved” and agricultural yields were also being affected.

The Fijian leader also spoke firsthand of the impact of extreme weather, noting that Tropical

Cyclone Winston “had wiped out one third of our GDP,” even though it spared the main tourist areas on which the country's economy depends.

Fiji Offers to Accept Climate Refugees

Key tasks for this year in the U.N. process include advancing the underpinning rules of the Paris Agreement and laying the groundwork for countries to make more ambitious commitments through a review process that will start in 2018, Bainimarama said.

He said citizens of Fiji were “shouldering our share of the burden of finding new homes for those who are displaced by climate change.”

“We have offered to give permanent refuge to two of our nearest neighbors, Kiribati and Tuvalu, in the event that they are submerged altogether,” he said of the small Pacific island nations.

[↑ Top of Page](#)

McCarthy slams Trump's 'unprecedented' webpage overhaul

Greenwire

By: Hannah Hess

Published: May 2, 2017

Former U.S. EPA Administrator Gina McCarthy criticized the Trump administration yesterday for removing “years” of climate change data from the agency's public webpage.

“This is a wholesale wiping out of historical record of what this agency has been doing with

public dollars for decades, not just the past eight years," McCarthy said, appearing on MSNBC's "The Rachel Maddow Show."

"This is unprecedented in terms of the scope of information that's been taken down. Information that's public information. People have a right to be able to access it, and no president has ever done this before," McCarthy said.

On Friday, the eve of President Trump's 100th day in office, the administration removed most climate change information from EPA's website, saying in a news release that language on the website is "undergoing changes that reflect the agency's new direction under President Donald Trump and Administrator Scott Pruitt."

The agency has made archived information available to the public on a snapshot page, showing content from the final day of the Obama administration.

"If former Administrator McCarthy had visited the website, she would have seen that we made it very easy for the public to view the properly archived content about which she is concerned," EPA spokesman J.P. Freire said in an email to E&E News.

"America's rich history of combining environmental stewardship and economic prosperity informs our focus on reducing job-killing regulatory burdens," Freire wrote. "It's a history worth being proud of."

The first page to be updated reflected Trump's March 28 executive order that called for a review of EPA's Clean Power Plan. EPA said language associated with the Clean Power Plan, written by the last administration, "is out of date."

Content related to climate and regulation is also being reviewed, according to the agency.

As late as this morning, the Spanish-language version of the webpage remained intact with

climate change information. However, EPA wiped the site to reflect the review sometime before noon today.

McCarthy speculated that the timing of the data removal had to do with the Peoples Climate March, a demonstration that brought more than 150,000 people to the White House grounds to protest Trump's policies (*E&E Daily*, May 1).

Activists and EPA staff have been especially concerned about potential changes at the agency since Trump's first day in office.

Reports that nonregulatory information could be scrubbed from EPA's website have motivated hackers to capture and code federal data sets to remote servers (*Greenwire*, Feb. 20).

[↑ Top of Page](#)

EPA asks what rules to cut, gets earful about dirty water

Associated Press

By: Michael Biesecker

Published: May 2, 2017

The Trump administration got an earful Tuesday from people who say federal rules limiting air and water pollution aren't tough enough, even as it was seeking suggestions about what environmental regulations it should gut.

The Environmental Protection Agency held a three-hour "virtual listening session" on Tuesday to collect public comments by phone about which clean water regulations should be targeted for repeal, replacement or modification. The call was part of the agency's response to President Donald Trump's order to get rid of regulations that are burdensome to business and industry.

Both the phone-in session and the nearly 6,000 written comments submitted so far and published on a federal website were dominated by those staunchly opposed to the planned regulatory rollback. Many identified themselves as being affiliated with environmental groups. Others said they were taxpayers worried about maintaining safe sources of drinking water.

"I actually enjoy breathing clean air and drinking clean water and would find it quite burdensome not to," said Emily Key, who identified herself as a citizen worried about what cancer-causing chemicals children may be exposed to.

Some said they rejected Trump's argument that strong environmental regulations impede job creation.

"I'm from Pittsburgh, where our skies were dark at noon and people changed their shirts at lunch because they were filthy from the smoke from the mills," Doug Blair told EPA. "I oppose any rollback of environmental protections premised on the 'jobs vs. the environment' dilemma. We can have both."

Since his appointment by Trump, EPA Administrator [Scott Pruitt](#) has been accepting confidential petitions from lawyers and lobbyists for businesses asking him to eliminate regulations affecting their profits. Typically, those petitions have only been made public after Pruitt intercedes on their behalf.

An example came last month when Pruitt acted against the recommendations of his own agency's scientists to reverse an Obama-era effort to bar the use of a widely-used pesticide on fruits and vegetables. Recent peer-reviewed studies found that even tiny levels of exposure of Dow Chemical's chlorpyrifos could hinder the development of children's brains. Pruitt has also moved to kill or delay regulations limiting toxic air emissions and water pollution from coal fired power plants.

In his prior job as Oklahoma's attorney general, Pruitt often aligned himself in legal disputes with the interests of executives and corporations who supported his state campaigns. He filed more than a dozen lawsuits seeking to overturn some of the same regulations he is now charged

with enforcing.

During Tuesday's listen session, only a handful of callers said EPA regulations were too strict. The operator of a paper mill in Washington said new rules reducing the allowed limit of cancer-causing PCBs dumped into rivers put his company at risk. The manager of a municipal water plant suggested that the agency start accepting required reports electronically, rather than just fax.

But the overwhelming majority of those who called or wrote to EPA urged the agency to strengthen its enforcement measures to hold polluters accountable.

"Even when companies are forced to pay for the destruction they cause, the amounts they are fined pale in comparison to the profits they make from breaking the rules," said Jamie Abelson from Chicago. "EPA must fight to maintain any environmental regulations that protect the health of American workers, communities and ecosystems."

[↑ Top of Page](#)

Jeers, cheers as EPA hosts webinar on rule rollbacks

E&E News PM

By: Ariel Wittenberg

Published: May 2, 2017

Environmentalists rebuked the Trump administration's assertion today about the need to roll back U.S. EPA regulations during a webinar sponsored by the agency's Office of Water.

More than 600 listeners tuned into the three-hour session, called "Feedback on Reducing Regulatory Burden," which sought suggestions on water-related regulations that need to be rescinded or revised. Participants could comment either in an online chat or on the phone.

The EPA webinar follows President Trump's February executive order that called on agencies to set up deregulation panels that include a designated policy officer and regulatory reform officer.

Most comments today came from environmentalists who took issue with EPA's assertion that it was looking for regulations to roll back.

"I strongly object to the premise behind the executive order and this whole process," said Andrew Grinberg, a campaigns manager for Clean Water Action. "Regulations are not burdens. Regulations protect our water and our health."

Jon Devine, a senior attorney at the Natural Resources Defense Council, said, "Please don't sacrifice our water through a reckless and unfounded search for burdensome regulations."

Many argued that EPA should first identify regulations it wants to change and then seek comments, allowing people to evaluate proposals and assess current rules.

Mitch Reid of the Alabama Rivers Alliance wrote, "Frankly this whole thing feels like a Kangaroo court to allow [EPA Administrator Scott] Pruitt to enact changes that he has already decided on."

Industry representatives criticized regulations related to Clean Water Act permitting and wastewater standards for steam-power plants.

Jane Gerdes of the Peoria, Ill., Public Works Department said that permit requirements for combined sewage overflows don't allow municipalities enough flexibility to update projects to account for best management practices. She also argued that municipalities feel more of a regulatory burden because of the cost of compliance, something that could be changed with more federal funding.

"We like clean water, and we know the state of Illinois likes clean water and the EPA likes clean water — everyone does," she said. "But small communities are very challenged to pay for unfunded mandates."

That point was echoed by Julia Anastasio, executive director of the Association of Clean Water Administrators, who said EPA needs to "preserve or enhance flexibility for states to implement the Clean Water Act."

Vicky Sullivan of the American Coalition for Clean Coal Electricity applauded EPA's decision to delay deadlines on a 2015 regulation aimed at reducing toxic metals in power plants' wastewater (*Greenwire*, March 28).

"These regulations have already have a severe impact on coal-fired power plants and have been cited by plant owners as reasons for plant retirements," she said.

While industry officials made fewer comments than did environmental advocates, some indicated they plan to formally comment on Trump's executive order before the May 15 deadline.

Many participants also left the three-hour webinar early due to technical difficulties at the beginning of the program, such as the inability to hear some callers.

The problems provoked ridicule from environmentalists.

"One wonders whether rolling back regulations that protect our health and environment makes sense, when it seems unlikely that EPA can effectively enforce the regulations we currently have, considering they can't organize a conference call," South River Federation's Jesse Iliff wrote.

[↑ Top of Page](#)

EPA Gets Earful at Listening Session on Toxics Rule Changes

Bloomberg BNA

By: Tiffany Stecker and Sam Pearson

Published: May 2, 2017

Yolanda Ferguson and her family drove 1,000 miles from Mississippi's Gulf Coast to plead for EPA not to roll back the nation's chemicals law.

Ferguson is the wife of a netmaker, who she said became sick from exposure to corexit, a chemical dispersant used for the cleanup of the 2010 British Petroleum oil spill. He can no longer work to make and repair the trawls for commercial fishing boats because of his illness, Ferguson said. His weight plummeted from 260 pounds to 120 pounds. He shakes uncontrollably and urinates blood.

When she sought more information on the dispersant, Ferguson said she was told it was confidential business information. With money raised from collecting cans, she came to Washington, D.C., to speak at the EPA's listening session on regulatory reform, in which members of the public can weigh in on President Donald Trump's executive order to reverse regulations.

The agency's Office of Pollution Prevention and Toxics held a hearing May 1 on last year's reforms of the Toxic Substances Control Act, the Toxic Release Inventory, and rules on formaldehyde, asbestos and nanoscale materials.

"I'm concerned they are going to change that up and make it all toxic again," Ferguson told approximately 50 people at the session, with many more listening remotely. "I want them to not take the Lautenberg Act away," she later told Bloomberg BNA.

The Frank R. Lautenberg Chemical Safety for the 21st Century Act (Pub. L. No. 114-182) amended the 1976 TSCA to require the EPA to screen new chemicals and evaluate the safety of existing chemicals on the market. It also makes it harder for companies to hide chemical

information that may be considered confidential.

Ferguson, a short, fast-talking Southerner, came with her 17-year-old daughter, who had blue hair and wore a Batman shirt. The two represented a rare show of private citizens among the list of industry and environmental group representatives slated to speak at the session.

Pruitt ‘Like Steinbrenner in Charge of the Red Sox’

President Trump’s [Executive Order 13777](#), requires each agency to create a Regulatory Reform Task Force to evaluate existing regulations.

Some speakers questioned the exercise of collecting comments to remove rulemakings, rather than adding them. Others criticized the appointment of EPA Administrator Scott Pruitt, who sued the agency numerous times before heading it.

Pruitt at the EPA “is like putting George Steinbrenner and his minions in charge of the Boston Red Sox,” said Daniel Rosenberg, a senior attorney with the Natural Resources Defense Council, a reference to the late New York Yankees baseball team owner and the rivalry with the Boston baseball team.

Industry representatives were supportive, but cautious in encouraging the EPA’s continued work on regulations.

“Please keep this moving forward, we all support it,” said Jim Cooper, a senior petrochemical adviser for the American Fuels and Petrochemical Manufacturers. “But do it right.”

“Things have to be done right so we don’t have to revisit them five years from now,” he added, citing a negotiated rulemaking on inorganic byproducts that EPA announced in Dec. 2016. The new rule has to encourage recycling of chemicals, he said.

Nanochemicals, Formaldehyde at Forefront

President Barack Obama's administration rushed in several final rules concerning chemicals, including one Dec. 12, 2016, to lower formaldehyde emissions in composite wood. The push also involved a Jan. 12 rule requiring companies to report nanochemicals for the first time.

Several trade associations balked at the strain the nanomaterials rule (RIN:2070-AJ54) would impose on manufacturers, with Raleigh Davis of the American Coatings Associations citing a \$1.5 million price tag for industry. The rule is set to go into effect on May 12, although makers of the miniscule materials have pushed for a delay. Nanotechnology is prized for its industrial and biomedical applications, but those chemicals have raised concerns because they are more readily absorbed by the human body.

The EPA underestimated the burden for companies when it assumed it would take 175 hours to gather information for reporting on nanomaterials, said Irene Hantman, a chemicals attorney at Verdant Law PLLC in Washington, D.C., told the EPA.

The effective date for EPA's rule on formaldehyde emissions (RIN:2070-AJ44) has been delayed until May 22. It is similar to a California Air Resources Board regulation that has been on the books since 2008. But unlike the California rule, it does not exempt all makers of laminated wood products. Some laminated wood includes glue with high concentrations of formaldehyde, which raises emissions. These manufacturers have seven years to meet the emissions limits.

Niche corners of the construction industry said that the rule would create ripple effects. Kitchen Cabinet Manufacturers Association CEO Betsy Natz said it would force cabinet distributors to recall products if the manufacturer failed to pass the emissions tests, a move that could harm a company's reputation, trigger litigation and cause disruptions in the supply chain.

"It makes no sense to apply it to finished goods," she said.

But Tom Neltner, chemicals policy director for the Environmental Defense Fund, said a delay was inappropriate for such a new regulation.

“Let’s not take our time to get this rule implemented,” he said.

Lead Program at Risk

Construction contractors, training companies and public health groups also weighed in on EPA’s lead renovation, repair and painting rule. Under Trump’s budget request, the EPA would eliminate its lead risk reduction program, cut \$2.3 million from the Office of Children’s Health Protection and more than \$82 million in cuts to research at the Office of Research and Development.

EPA issued the lead renovation regulation in 2008 and amended it six times since. The rule requires contractors to be trained in lead abatement requirements and have the training renewed every five years.

Zachary Rose, the CEO and founder of Zack Academy, said contractors who take lead certification courses sometimes balk at first but often find them valuable. He said changing the requirement that they complete courses would be an “absolute disaster” for families and homeowners.

Brian McCracken, the president of All American Painting Plus Inc. in Reston, Va., said training companies were protecting “their own self interests.”

Lead exposure is “not our problem,” McCracken said. “It’s a personal responsibility for the homeowner. When you buy a home, you need to know the hazards of it.”

Neltner called on the agency to toughen its lead regulations, not relax them.

Several participants also asked the EPA not to clamp down on the 1986 Asbestos Hazard

Emergency Response Act, which requires local education agencies to make detailed asbestos emergency plans to prevent children's exposure to the mineral.

Cutting certification requirements would only hinder efforts to remove asbestos in old buildings, said Stephanie Isaacson, a businesswoman who owns properties with asbestos.

"If we take away the need to inspect," she said, "it doesn't make any sense, especially since it doesn't create jobs to take it away."

[↑ Top of Page](#)

FY17 Spending Deal Warns EPA Against Overhaul Without Congress' Input

Inside EPA

By: Doug Obey

Published: May 2, 2017

The pending fiscal year 2017 spending deal that lawmakers are slated to approve this week warns EPA that Congress controls the purse strings related to any major reorganization, workforce overhaul or downsizing at the agency, putting Administrator Scott Pruitt and the Trump administration on notice not to radically overhaul EPA in FY18 absent consultation.

One environmentalist says the language about EPA reorganization, as well as the broader spending bill that limited EPA cuts to just 1 percent, show that Congress has concerns about preliminary Trump administration plans to cut the agency's budget by 31 percent, slash its workforce by 25 percent, trim back an array of programs and reorganize major headquarters and regional offices.

"EPA staff should be heartened that Democrats seemed to have their back not just on bottom line

numbers but also with a very pointed warning to Pruitt not to circumvent Congress's intent” with respect to the agency, the source says.

But despite the warning, the source says that there is still “an enormous threat” to the agency in FY18 from Pruitt and the Trump administration's intentions regarding EPA, and that nearly flat funding for EPA in FY17 is only a “good start . . . the battle is just beginning.”

Lawmakers' warning over EPA downsizing and reorganization is included in one portion of an explanatory statement accompanying the FY17 spending legislation, which also offers a series of other prescriptive requirements on the agency, calling for more regulatory flexibility in some areas and seeking updates from the agency on others.

One portion of the explanatory statement limits EPA from reprogramming or shifting funds for purposes other than those intended by more than \$1 million, and calls for agency compliance with various reprogramming directives. And it notes that those directives apply to a host of actions, including “proposed reorganizations, workforce restructure, reshaping, transfer of functions, or downsizing, especially those of significant national or regional importance, and include closures, consolidations, and relocations of offices, facilities and laboratories.”

The directive also specifies that “the Agency may not use any amount of deobligated funds to initiate a new program, office, or initiative, without the prior approval of the Committees.”

The language suggests that many lawmakers wants to be kept in the loop in both FY17 and FY18 on any major restructuring by Pruitt and Trump administration officials at the agency, potentially providing an opening for the agency's defenders on Capitol Hill to mobilize support for key agency programs or offices.

Signs of such opposition are already evident, such as when a bipartisan group of Michigan lawmakers mobilized against suggestions that EPA was considering shuttering its Region 5 office in Chicago and merging its functions into its Region 7 office near Kansas City.

The environmentalist says Hill lawmakers in their limits on “reprogramming” appear to go out of

their way to respond to reports of recent preliminary plans to downsize the agency or eliminate some regional offices, even though some degree of reprogramming limitation in spending bills is always routine. The source calls this unusually pointed, specific language warning the agency not to “reprogram” appropriated funds for purposes not explicitly outlined by Congress.

Workforce 'Priority'

While the spending deal also includes rescissions of funds already provided to the agency in a number of areas, the explanatory statement directs the agency to first apply those cuts across the workforce to reflect “routine attrition,” while opposing buyouts and other workforce reduction programs as a way to apply the cuts.

“The Committees understand that the Agency routinely makes funding payroll requirements a top priority, and the committees expect the agency will continue to do so as it executes its fiscal year 2017 appropriations and applies the rescissions. The Committees do not expect the Agency will undertake adverse personnel actions or incentive programs to comply with the rescissions,” the statement says.

That language could make it difficult for the administration to ramp up plans for voluntary buyouts and early retirements as a way to cut EPA's workforce.

The statement also bars EPA from cutting funds from a series of high-priority programs and accounts, including geographic programs, the National Estuary Program, and priorities in the Science & Technology and Environmental Programs and Management accounts.

The language in the explanatory statement is part of the broader spending agreement, expected to be approved and enacted this week, that imposes a 1 percent cut to the agency's budget in FY17, postponing at least for now draconian proposed budget reductions at the agency that the Trump administration had sought.

The environmentalist characterizes the reprogramming language as one part of an early win by EPA defenders on Capitol Hill, particularly congressional Democrats, as lawmakers prepare for a battle over FY18.

But some Republicans have also indicated support for preserving EPA's budget. For example, Rep. Tom Cole (R-OK), a veteran GOP lawmaker, suggested he too is opposed to cuts on the order of those sought by the White House.

“In the EPA's case their funding has been reduced by over 20 percent since 2011 anyway. They are operating at 1989 staffing levels. So you really want to be sure you are not cutting the meat and muscle with the fat,” Cold told *Inside EPA* Feb. 28.

Policy Provisions

The explanatory statement in the budget deal goes well beyond the instructions related to reprogramming to offer a grab bag of other directives to EPA on issues ranging from regulatory flexibility to updating Congress on agency activities and protecting certain programs.

For example, one directive orders EPA to report to Congress within 90 days on “administrative options” enabling states to enter into cooperative agreements providing “regulatory relief” under potentially overlapping ozone standards. The statement also calls for EPA to contract with the National Academy of Sciences to review any 2017 release of a revised draft risk assessment of formaldehyde from EPA's Integrated Risk Information System program.

Congress also requires EPA to keep Congress apprised of its compliance with recent court orders requiring evaluation of potential job loss from Clean Air Act regulations and a directive for EPA to establish “as expeditiously as is practicable” streamlined procedures for prompt approval of state programs regulating coal combustion residuals.

The expiratory statement also wades into EPA regulations related to stratospheric ozone protection, directing the agency to “consider harmonizing the status of any previously approved refrigerant or foam blowing agent with other domestic and international programs for refrigeration and commercial air conditioning applications, and corresponding deadlines for military, space and aeronautics related applications.”

With respect to toxic chemicals, the statement notes that language in the agreement enables EPA to collect and spend new fees to conduct chemical reviews under the newly revised Toxic Substances Control Act (TSCA), beginning in FY17, though it cautions EPA to ensure “that new fee collections will supplement, not supplant, appropriated resources for these activities.”

While states have expressed concerns that EPA's budget would slash grants to states, the statement references language providing \$30 million for “targeted air shed grants” to reduce air pollution in nonattainment areas. The report requires the grants to be distributed competitively to nonattainment areas ranked as the top five most polluted with respect to ozone and particulate matter. That represents an increase of \$10 million from the \$20 million provided for the grants in 2016.

The bill, however, rescinds \$61.1 million in “unobligated balances” from the State and Tribal Assistant Grants Account. “The agency shall calculate the requisite percent reduction necessary to rescind such amounts from new obligation on authority and applied across program areas by formula. The Agency is directed to submit, as part of the operating plan, detail on the application of such rescissions by program project area.”

[↑ Top of Page](#)

Senate Dems press Pruitt over alleged conflict on ozone

E&E News PM

By: Sean Reilly

Published: May 2, 2017

Senate Democrats asked U.S. EPA Administrator Scott Pruitt today to explain how he's dealing with another alleged conflict of interest — this time in regard to litigation over the agency's 2015 ground-level ozone standard.

The letter from Sens. Cory Booker of New Jersey, Tom Carper of Delaware, Kamala Harris of California, Ed Markey of Massachusetts and Sheldon Whitehouse of Rhode Island asks whether Pruitt has recused himself from EPA's review of the 70-parts-per-billion standard, made public last month when the agency won an open-ended delay in the litigation to revisit its position (*Greenwire*, April 12).

Before becoming EPA chief in February, Pruitt had joined in the legal challenges to the 70 ppb benchmark as Oklahoma's attorney general.

Under his EPA ethics agreement, Pruitt said he would seek authorization to participate in matters involving Oklahoma, according to Carper's letter. In response to written questions during his Senate confirmation hearing, he also said he would recuse himself from litigation on which he worked as attorney general, unless he received permission from federal ethics officials.

Among other questions posed in their letter, Carper, the ranking member of the Senate Environment and Public Works Committee, and the other four Democrats ask whether Pruitt has sought and received such authorization. If so, they ask for the written response from EPA's designated ethics official. If he is not recused from the ozone litigation but has not received authorization to participate, "please explain why you have not," they wrote.

EPA didn't reply to an emailed request for comment this afternoon.

The letter sets a May 15 deadline for a response. In the last two months, Carper and other Democrats have requested similar details on Pruitt's handling of legal challenges to the Clean Power Plan and the Waters of the United States rule (*E&E News PM*, April 10).

EPA has so far not responded to either of those earlier inquiries, a Carper spokeswoman said.

Ozone, the main ingredient in smog, is a lung irritant that can help trigger asthma attacks and worsen emphysema symptoms. Under the Obama administration, EPA tightened the standard from 75 ppb to 70 ppb in October 2015 on the grounds that the stricter limit was needed to protect public health with an adequate margin of safety.

Industry Seeks To Block, Alter EPA's IRIS Formaldehyde Risk Analysis

Inside EPA

By: Maria Hegstad

Published: May 2, 2017

The American Chemistry Council (ACC) is touting new findings and a new award for a 2015 study that raise doubts about EPA and other agencies' conclusions that exposure to formaldehyde can cause leukemias, as part of the industry group's latest efforts to alter EPA's analysis, while other trade groups seek to end it entirely.

The new study, which ACC funded, re-analyzes raw data from a 2010 study that EPA and other agencies referenced in their findings that formaldehyde could cause leukemias, as well as other, better known cancer types. The *Journal of Critical Reviews in Toxicology* published the new study on its website May 2.

The 2010 study, by University of California-Berkeley professor Luoping Zhang and colleagues, compared blood samples of Chinese workers exposed to formaldehyde with other unexposed Chinese factory workers, and concluded that chromosomal abnormalities in the exposed workers' cells were indicative of leukemia. But the new study, authored by Ramboll Environ consultant Kenneth Mundt and colleagues, points to flaws in the Zhang study's methods that Mundt and colleagues say should lead EPA and other agencies to alter their conclusions.

“While Zhang et al. (2010) proposed that formaldehyde exposure leads to aneuploidy, the results from the current analyses indicate that exogenous formaldehyde exposure is not associated with the aneuploidies examined,” the study concludes. Aneuploidy occurs when there are too few or too many chromosomes in a cell. Human cells normally contain exactly 46 chromosomes.

“Therefore, while Zhang et al. (2010) has been cited heavily to support the biological plausibility of formaldehyde as a cause of human leukemia, fuller analysis of the original study data verifies methodological limitations with respect to monosomy 7 and trisomy 8, while demonstrating no association between individual exposure levels and several blood parameters among those occupationally exposed to formaldehyde.”

Mundt and colleagues acquired some of Zhang's raw data from the National Cancer Institute (NCI) through a Freedom of Information Act request. The paper indicates that this raw data, “the mean formaldehyde estimate for each exposed worker,” is not included in the Zhang study.

ACC and the study authors say its findings should lead to changes in conclusions by the International Agency for Research on Cancer (IARC) and a 2010 draft EPA Integrated Risk Information System (IRIS) assessment of formaldehyde, both of which suggested a causal link between formaldehyde exposure and leukemia.

The National Academy of Sciences (NAS) reviewed the draft IRIS assessment, and in 2011 released a critical report on the assessment and the IRIS program's approaches more broadly. EPA has since sought to upgrade the IRIS program, and won praise for its efforts in a 2014 NAS review. But EPA has also yet to release a new draft assessment of formaldehyde.

'Unwarranted Outcomes'

“IARC’s interpretation of the Zhang et al. (2010) study and the implications on the formaldehyde hazard classification should be reconsidered in light of the fuller evaluation of all of these data, and the updated EPA IRIS report should reflect the limited inferential value of the Zhang et al. (2010) study . . . until the scientific validity of each can be demonstrated,” the Mundt study says.

ACC in a May 2 press statement says the “newly published reanalysis of raw data from a study widely used by chemical assessment agencies to set hazard assessments for formaldehyde shows no link between formaldehyde exposure and leukemia.”

The statement also quotes Kimberly White, senior director of ACC's Formaldehyde Panel. "The findings in this reanalysis are important because they call into question the validity of all these recent formaldehyde assessments," White said. "The original paper failed to meet its own data quality standards and the scientific standard of reproducibility. Relying on it consequently led to unsubstantiated regulatory decisions and unwarranted outcomes."

ACC in a separate May 2 press release touts the presentation of the Kammer Merit in Authorship Award to a 2015 study by University of California, San Diego medical school professor Harvey Checkoway, regarding whether formaldehyde exposure can cause leukemia. This study, funded by ACC and co-authored by Mundt, reanalyzes raw data from an NCI cohort of formaldehyde-exposed workers. A 2009 epidemiology study of this data, by Laura Beane-Freeman and other NCI researchers, had also supported the conclusion that formaldehyde exposure could cause a certain type of leukemia, acute myeloid leukemia (AML).

The 2015 study, known as Checkoway et al, concludes that "Our re-analysis of the data from the NCI cohort study of workers in the formaldehyde industries provides no support for the hypothesis that formaldehyde causes AML, the [lymphohematopoietic malignancies] of greatest prior concern."

The newest study represents the latest industry-funded efforts to acquire and analyze raw data from two studies relied on by EPA, IARC and other agencies to conclude that formaldehyde exposure can cause leukemias. Several years ago, one industry source explained that while most would agree that exposure to formaldehyde can cause nasal cancer, the leukemia finding was more concerning to industries that make and use formaldehyde because of the much higher prevalence and risk associated with leukemia.

Ending IRIS

The study's publication comes as Congress considers the fiscal year 2017 [omnibus appropriations bill](#), which has attached report language directing EPA, should it seek to release a new draft formaldehyde assessment this fiscal year, to contract with the NAS "to verify the recommendations from the previous NAS report of 2011 have been fully resolved scientifically."

Meanwhile, other industry groups are seeking to stop all formaldehyde analyses, and shutter the

IRIS program altogether -- strongly backing Trump administration calls to end the IRIS program in FY18.

In recent comments to the Commerce Department that preview recommendations the industry is likely to make to EPA as part of its broad review of agency programs, the American Forest & Paper Association (AFPA) calls for “a stop on all formaldehyde IRIS program activities, including any intra- or interagency reviews or the release of any draft or final assessments. EPA should convene other experts within the Executive Branch to gain an objective perspective on formaldehyde science, and EPA’s findings and conclusions should be based on the weight of the evidence and use the biological data to provide a basis for a threshold response for all health endpoints,” the group says.

More broadly, AFPA seeks “a stop on all current 2017 IRIS program activities,” adding that “EPA should eliminate the IRIS program for 2018 and beyond and reassign its responsibilities to EPA’s program offices.”

The group's comments -- submitted to the Commerce Department in response to President Donald Trump's call to streamline permitting -- support EPA plans, detailed in a March 21 memo from acting chief financial officer David Bloom, that call for eliminating the IRIS program.

The influential but often controversial program, housed within the agency's Office of Research and Development, has drawn fire for its often strict assessments of chemicals' risks and EPA's usage of its dose-response analyses for setting standards and other decisionmaking.

Bloom's memo indicates that the administration is seeking to drop the research office's human health risk assessment portfolio by \$5.6 million and 105 full time equivalent employees (FTE) in the FY18 budget. "This change reflects the elimination of the IRIS program and the re-focusing on core statutory obligations," the memo states.

The proposal is not surprising, as IRIS has been long criticized by regulated entities for the stringency of its assessments and has been on the Government Accountability Office list of programs at "high risk" of waste, fraud or abuse for its inability to produce assessments in a timely way, in addition to the 2011 NAS report.

'Unreasonably Stringent'

AFPA reiterates its long-standing concern with the program. “Throughout the history of the IRIS program, there have been criticisms of the scientific outcome of its assessments, primarily because IRIS uses outdated or overly conservative scientific information in their assessments that result in unfounded toxicological hazards and excessively low acceptable concentration levels,” AFPA says.

“When these IRIS assessments are used by EPA’s program offices, they can result in unreasonably stringent regulatory standards that are not grounded in the realities that should be considered by EPA’s program offices. While there have been many efforts to reform the IRIS program and incorporate 21st century scientific thinking, the dysfunctions in the program seem beyond repair.”

AFPA is not alone in its calls, though it offers the most detail. The American Composites Manufacturers Association, for example, suggests the administration should consolidate IRIS and other federal risk assessment programs.

The group says there are numerous “redundant” government risk assessment programs, naming IRIS, EPA's Toxic Substances Control Act (TSCA) risk assessment program, and other programs within the U.S. Health and Human Services Department.

“Across the several federal government and state programs that evaluate the hazards and risks potentially associated with exposures to industrial chemicals, there is both broad overlap of missions and wide variance and inconsistency in the use of National Academy of Sciences-recommended risk assessment procedures and other accepted best practices. ... Many of these redundant programs could be profitably eliminated and the resource savings invested in improving the quality, reliability and timeliness of a well-managed and properly focused chemical risk assessment program.”

[↑ Top of Page](#)

Football player who befriended boy eating alone at school is headed to NFL

Today

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College football player Travis Rudolph made a lot of fans last year when he quietly sat with a boy eating lunch alone at his middle-school cafeteria. Now he is on track to gain a lot more fans in the National Football League.

The Florida State wide receiver signed on as an undrafted free agent with the New York Giants. He made the deal over the weekend while spending time with his extended family, which includes the young boy he befriended last fall, Bo Paske, who has autism.

“We’re all super excited for him,” Bo’s mom, Leah Paske, told TODAY. “We spent Saturday waiting and hanging out and being with everyone. And then when we got the news that evening, we were there for the celebration as well.”

Paske first learned about Rudolph after the college junior paid a visit to her son's Tallahassee middle school with his teammates. Rudolph spotted Bo eating by himself so he joined him at the table. Someone captured a photo of the two and sent it to Paske, who posted the picture to her Facebook page.

"I'm not sure what exactly made this incredibly kind man share a lunch table with my son, but I'm happy to say that it will not soon be forgotten," she wrote in the caption of the now-viral photo. "This is one day I didn't have to worry if my sweet boy ate lunch alone, because he sat across from someone who is a hero in many eyes. Travis Rudolph thank you so much, you made this momma exceedingly happy, and have made us fans for life!"

Paske said she and her son, 12, drove from their Tallahassee home to visit Rudolph's family in West Palm Beach last Friday evening to wait out the remainder of the NFL draft with them.

"We've just formed such a great relationship with his family. I talk to his mom several times a week. I just love her so much," she said. "They're just fantastic. They really value family and relationships highly. I'm just grateful to be able to be a part of that."

Paske said she's not sure how much Bo understands about Rudolph's specific situation, but that he "absolutely" remains his No. 1 fan.

"He just kept asking, 'Which team is he going to play for?' So when we were able to tell him he was going to the Giants, he was completely excited," she said. "It was an exciting weekend."

Rudolph's news, however, follows a tragic period for the football player's family. His father, Darryl, was killed in an accidental shooting a week earlier. Paske called the loss "heartbreaking."

"His dad was the rock of the family. What he wanted more than anything was for his son to be successful in that endeavor. The loss was devastating," she said.

Paske said she first met Rudolph's parents shortly after their son ate lunch with Bo.

"I could see immediately where Travis got his character and his personality and values from," she said. "They're just genuine and authentic and loving people."

She said one of the first thing Rudolph's mother did when they met was to thank her. The gesture initially confused Paske.

"I told her, 'I didn't do anything.' She said, 'No, you don't understand. We spend our whole lives pouring into our children. Travis is our baby,'" she recalled. "You cross your fingers and you send them out to the world and you hope you did a good job, and nine times out of 10 you don't hear anything back. You told the world, 'We did our job.'"

"What a cool perspective," Paske said. "I'm just so blessed to be a part of their family."

[↑ Top of Page](#)